

#### REMARKS

Claims 1-8 were pending in the parent application and were rejected and claims 9-11 were previously added, and are rejected on various grounds. Claims 1, 5, and 9 are amended and new claims 12 - 18 are added to more clearly claim the present invention and to expedite prosecution of the present application.

Claim 1 was rejected under 35 USC 101. Claim 1 is amended to incorporate Examiner's suggestions and is now believed to overcome the rejection under 35 USC 101.

Claims 1 - 11 were rejected under 35 USC 112, second paragraph, in regard to the plain meaning of "axis" as being a *straight* line. Applicant amends claim 1, 5, and 9 to indicate that the axis, as used in the claims, is formed to depart from only being straight. Applicant believes that the rejection of claims 1 - 11 under 35 USC 112 is overcome.

Claims 1 - 10 were rejected under 35 USC 102(e) as being anticipated by Brown, ('199). The Examiner argues that Brown discloses an expandable hoop support and procedure for opening an artery substantially as claimed, composed of a material disposed about a first axis and about a second axis and having a coil memory, and a cylindrical delivery means to constrain the coil in a linear configuration being either a rod fit within the coil or a tube fit over the coil, and wherein the coil reconfigures into an original preformed configuration, and that Brown's stent is adapted to hold open the vessel.

Applicant notes that Brown's stated purpose is "...to retain embiotic devices or materials, such as micro coils or embolic liquids, deployed within the aneurysm and prevent the embolic devices from migrating out of the aneurysm and into the patient's

vasculature." and to "...block or divert at least a portion of the blood flow away from the entrance of the aneurysm" (col 5, lines 2 - 9). Thus, at Brown's target site, his device operates against a void or at least a region of enlarged diameter (col. 4, line 43) compared to a nominal vessel size. dimension.

By contrast, the present invention according to claim 1, as amended, comprises:

- "a. a preformed hoop composed of a coil of material disposed about a first axis which first axis is disposed to encircle a second axis to form a double coil having an outer diameter, and having memory retaining properties to urge said material into said double coil formed to match said flexible tube nominal opening; and
- b. cylindrical delivery means for constraining said coil in to a linear configuration wherein said deliver means and said coil are adapted for insertion into said flexible tube at a target site unsupported aperture size and said delivery means is then removed, said hoop will then reconfigure to said double coil configuration wherein said double coil outer diameter is configured to be larger than said target site unsupported aperture size and configured to urge said target site aperture to said flexible tube nominal opening

not found in the cited art of record. Independent claims 5 and 9 provide similar patentably distinctive features. The cited art teaches the exact opposite support from the presently claimed invention, wherein Brown retains devices or materials inwardly to restore by narrowing or occluding the vessel wall, from which the present invention, which operates against an occlusion to outwardly urge it to assume the nominal vessel opening, is distinguished. Apparently the only embodiment having a retainer coil of the same radius of adjoining anchoring elements is one placed in enlarged vessel regions, col 4, lines 42-43, not teaching, suggesting or disclosing the present invention which references a nominal vessel dimension. Moreover, Brown teaches anchoring devices, e.g. 30, which are necessary to practice his invention, wherein the present

claimed invention by being configured to urge the target aperture to the nominal vessel size, is self-anchoring and does not have anchoring devices on either side of the target as required in Brown, which cannot anchor to an aneurysm it is trying to occlude as it may result in a vessel failure. The Examiner's assertion that Brown teaches or discloses a procedure for opening an artery is completely without support; so that the Applicant can completely respond, the Applicant respectfully requests the Examiner to provide explicit basis for her statement thereof. Thus, the present invention of Claims 1, 5, and 9 is patentably distinguishable from Brown's embodiment of Fig. 1A which is clearly not applicable to a vessel occlusion, and is distinguishable from the remaining embodiments which occlude an entrance of a vessel aneurysm and not applicable to open a vessel occlusion. The claims dependent on independent claims 1, 5, and 9, including new claims 13 - 18, provide additional inventive features which further patentably distinguish the present invention over the cited art of record. Applicant therefore believes that the rejection of claims 1 - 10 under 35 USC 102(e) as being anticipated by Brown, ('199) is overcome.

Claims 1, 3-5 and 7 - 11 were rejected under 35 USC 102(e) as being anticipated by Farzin-Nia ('076), wherein the Examiner argues that Farzin-Nia discloses a expandable hoop support such that the twisted multi-filar strands comprises the primary coil which is disposed about a second axis to form a secondary coil.

Applicant claims a multi-filar wire (claim 11) as a wire, clearly distinguishing the claimed structure of claim 1 if incorporating the multi-filar wire would, by Examiner's logic, thus comprise three compound coils. The Examiner's assertion is clearly

without supportable. Therefore, Farzin-Nia fails to provide each and every element of the present inventive structure, and thus the Examiner has failed to provide a basis on which to base the rejection. Applicant therefore believes that the rejection of claims 1, 3-5 and 7 - 11 under 35 USC 102(e) as being anticipated by Farzin-Nia ('076) is improper and should be withdrawn, and in the alternative, is overcome.

Applicant, having amended the Claims, and having distinguished the present invention over the cited art of record, believes that the present application is in condition for allowance. Applicant respectfully requests reconsideration and allowance of the present application. The Examiner is invited to call the Applicant's undersigned attorney should he feel that such a call would further the prosecution of the present application.

Respectfully submitted,  
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Date 14 Feb-07